

696

Improvement Res. No. 969-1958

OPENING of a triangular cut-off to be used for alley purposes from lot 22, P. Nussbaum's Amended Addition. Beginning at the northwest corner of lot 22 in P. Nussbaum's Amended Addition to the city of Fort Wayne; thence in a southeasterly direction along the westerly line of said lot 22, a distance of 16.67 feet; thence west along the north line of said lot a distance of 10 feet to the point of beginning.

Confirmed: ALL ACTION RESCINDED

June 19, 1958

Min. Rec. 39-51-8

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Report Completed:

Assessment Roll Confirmed:

B. I. ~~106-1958~~ RESOLUTION NO. ~~106-1958~~

969-1958

Which provides for OPENING of a triangular cut-off to be used for alley purposes from Lot No. 22, P. Nussbaum's Amended Addition. Beginning at the northwest corner of Lot No. 22 in P. Nussbaum's Amended Addition to the City of Fort Wayne; thence in a southeasterly direction along the westerly line of said Lot No. 22, a distance of 19.44 feet; thence north a distance of 16.67 feet; thence west along the north line of said lot a distance of 10 feet to the point of beginning.

PLANS ORDERED: March 10, 1958

ADOPTED: April 14, 1958

ADVERTISE: *Amended*

HEARING ON CONFIRMATION:

CONFIRMED: ALL ACTION RESCINDED

JUN 19 1958

ASSESSMENT ROLL ORDERED:

ASSESSMENT ROLL APPROVED: A signed Waiver has been received, also a Quit Claim Deed transferring a part of Lot 22, P. Nussbaum's Amended Add, to the City of Fort Wayne for street purposed.

HEARING ON CONFIRMATION OF ASSESSMENT:

NOTICES SERVED: 39-54-8

ASSESSMENT ROLL CONFIRMED:

For the ~~Vacation~~ Opening ~~Condemnation of right of way for utility purposes~~ of a triangular cut-off to be used for alley purposes from Lot No. 22, P. Nussbaum's Amended Addition.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to open a triangular cut-off to be used for alley purposes from Lot No. 22, P. Nussbaum's Amended Addition more particularly described as follows:

(See Attached Sheet)

All as shown by a plan of such proposed Opening ~~Vacation~~ ~~Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana. The opening of said alley right-of-way is to be made by condemning and appropriating for alley purposes a 10 ft. by 16.67 ft. triangle from the northwest corner of Lot No. 22, P. Nussbaum's Amended Addition, described in detail on the attached sheet.

The cost of said ~~Vacation~~ Opening ~~Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such ~~Vacation~~ Opening ~~Condemnation of right of way for utility purposes~~ is described as follows: City of Fort Wayne, Indiana and Lot No. 22, P. Nussbaum's Amended Addition. Said addition inclusive to the City of Fort Wayne, Indiana.

~~All lots and lands~~

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by ^{the} above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplemental thereof.

~~The vacation of the above described Street and alleys shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.~~

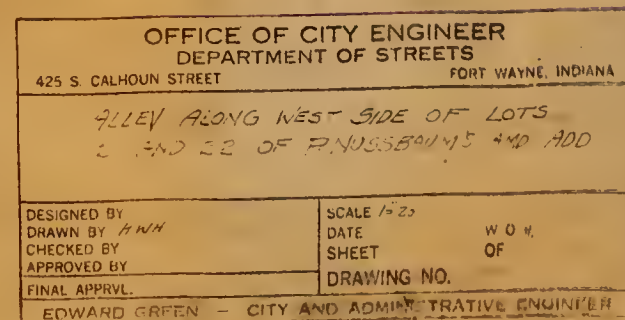
All Streets, lots and lands affected by the above described opening are situated in the southeast quarter of Section Thirty-five, Township 31 north, Range 12 east and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 14th DAY OF April 19 58.

Attest:

Secretary Board of Public Works.

Board of Public Works.



QUIT-CLAIM DEED

540 437-7
13101

THIS INSTRUMENT, WITNESSETH, That ARTHUR E. SCHOTT and PHYLLIS L. SCHOTT, husband and wife, and both over the age of twenty-one (21) years, of Allen County, State of Indiana, and RAYMOND J. DAVIS and IVA G. DAVIS, husband and wife, and both over the age of twenty-one (21) years, of Allen County, in the State of Indiana, do release and quit-claim to CITY OF FORT WAYNE, an Indiana municipal corporation located in Allen County, State of Indiana, the following described real estate in Allen County, in the State of Indiana, for street purposes only, to-wit:

A part of Lot Number 22 in P. Nussbaum's Amended Addition to the City of Fort Wayne, Allen County, Indiana, described as follows, to-wit:

Beginning at the Northwest corner of said Lot Number 22 in P. Nussbaum's Amended Addition, thence in a Southeasterly direction along the Westerly line of said Lot Number 22 a distance of 19.44 feet; thence North a distance of 16.67 feet; thence West along the North line of said Lot Number 22 a distance of 10 feet to the point of beginning.

Grantors, Arthur E. Schott and Phyllis L. Schott, represent that they are the owners of the legal title to said above described real estate and Grantors, Raymond J. Davis and Iva G. Davis, represent that they are the equitable owners of said above described real estate by virtue of a contract to purchase real estate of which the above described real estate is a part.

IN WITNESS WHEREOF, The said ARTHUR E. SCHOTT and PHYLLIS L. SCHOTT, husband and wife, and both over the age of twenty-one (21) years, and RAYMOND J. DAVIS and IVA G. DAVIS, husband and wife and both over the age of twenty-one (21) years, have

ONLY ENTERED FOR TAXATION

1956 Jan 13 P.M. 1:43

Set their hands and seals, this _____ day of May, 1958.

(Arthur E. Schott)

(Phyllis L. Schott)

(Raymond J. Davis)

(Iva G. Davis)

STATE OF INDIANA)
COUNTY OF ALLEN } SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this _____ day of May, 1958, personally appeared ARTHUR E. SCHOTT and PHYLLIS L. SCHOTT, husband and wife, and both over the age of twenty-one (21) years, Grantors in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed for the uses and purposes herein mentioned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

Notary Public

My Commission expires:

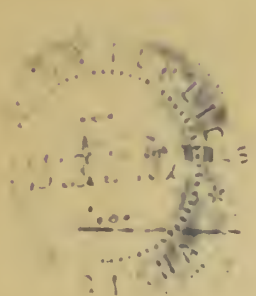
STATE OF INDIANA)
COUNTY OF ALLEN } SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this _____ day of May, 1958, personally appeared RAYMOND J. DAVIS and IVA G. DAVIS, husband and wife, and both over the age of twenty-one (21) years,



in the above conveyance and acknowledged the execution of the same to be their voluntary act and deed for the uses and purposes herein mentioned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.



Notary Public

Witness

Prepared by:

William B. Merrill,
Associate City Attorney

PROPERTY TO BE ACQUIRED FOR ALLEY RIGHT-OF-WAY

Beginning at the northwest corner of Lot No. 22 in P. Nussbaum's Amended Addition to the City of Fort Wayne, Thence in^a southeasterly direction along the westerly line of said Lot No. 22, a distance of 19.44 feet, thence north a distance of 16.67 feet, thence west along the north line of said lot a distance of 10 feet to the point of beginning.

W A I V E R

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned, owners of real estate abutting the second alley west of Spy Run Avenue between Nussbaum Avenue and the first alley south of Nussbaum Avenue, more specifically set out described as follows to-wit:

BEGINNING AT THE NORTHWEST CORNER OF LOT NO. 22 IN P. NUSSBAUM'S AMENDED ADDITION TO THE CITY OF FORT WAYNE ; THENCE IN A SOUTH-EASTERLY DIRECTION ALONG THE WESTERLY LINE OF SAID LOT NO. 22, A DISTANCE OF 19.44 FEET; THENCE NORTH A DISTANCE OF 16.67 FEET; THENCE WEST ALONG THE NORTH LINE OF SAID LOT A DISTANCE OF 10 FEET TO THE POINT OF BEGINNING,

do hereby respectfully request the Board of Public Works to adopt a final resolution for the opening of said described alley and do by this instrument waive public notice of said resolution as provided by Statute to that this Honorable Board may issue a final order confirming the preliminary order or resolution for said opening.

The undersigned further represents that this instrument acts as a waiver of any right to object to said order. We do further hereby waive any hearing on said resolution and release all rights to file any remonstrance against adoption of said resolution.

DATED: April 23, 1958

Arthur E. Schott
ARTHUR E. SCHOTT

Phyllis L. Schott
PHYLLIS L. SCHOTT

William B. Shivers
Approved as to form and legality

Donald L. Scribner
DONALD L. SCRIBNER

Mary I. Scribner
MARY I. SCRIBNER

B.O. 106 (58)

39-54-8

June 19, 1958

Mr. Edward Green, City Engineer

OPENING - DEC. RES. 969-1958 - Lot 22, P. Nussbaum's Amended Add.

A signed waiver has been received, also a Quit Claim Deed transferring a part of Lot 22, P. Nussbaum's Amended Addition, to the City of Fort Wayne for street purposes. In consideration of the foregoing, the Board rescinded all action on Declaratory Resolution 969-1958.

S/ B. J. Swanson

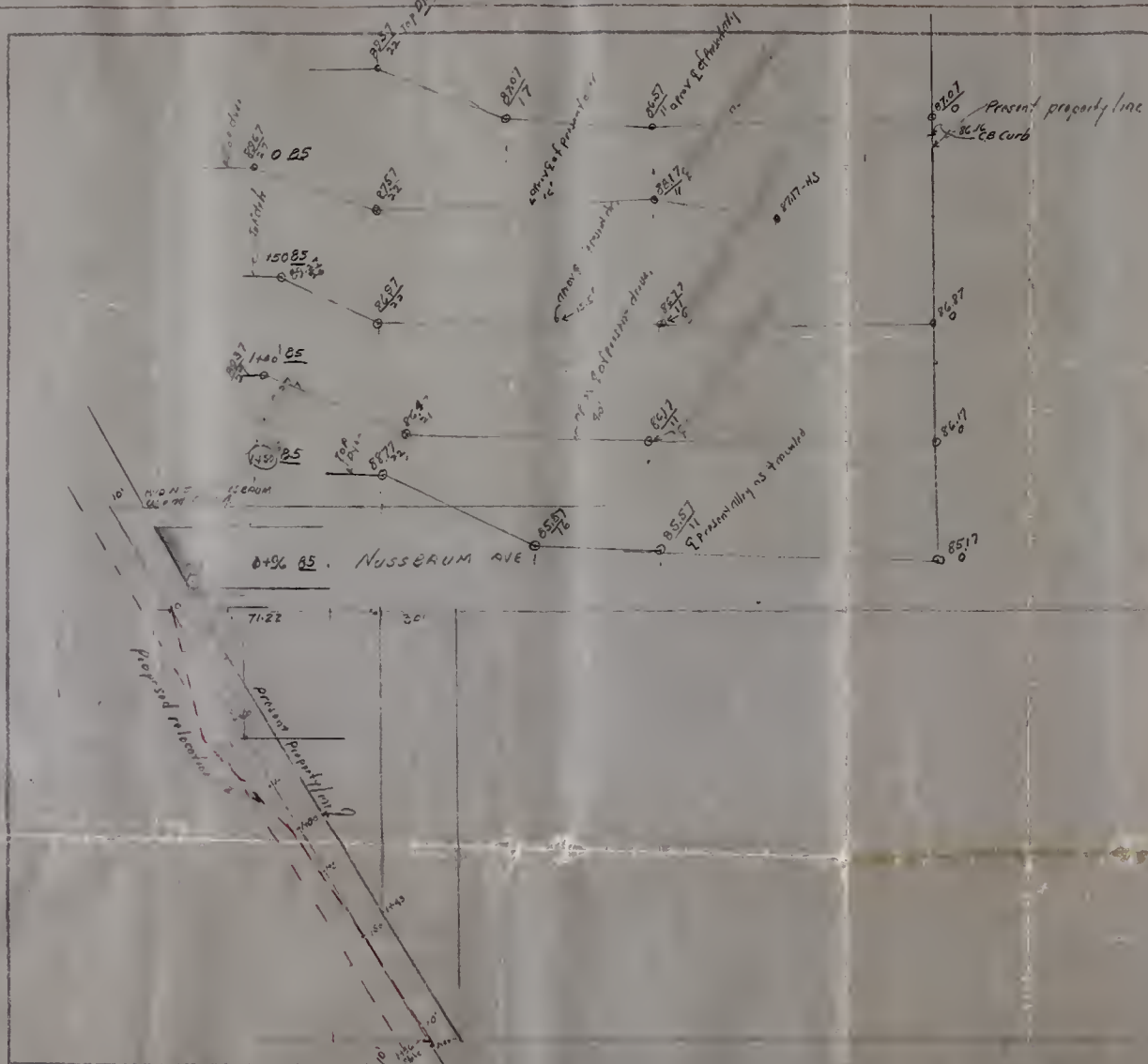
S/ John Cooper

S/ Orin M. Darling

BOARD OF PUBLIC WORKS

s

Sections



SHEET NO. OF

CITY ENGINEERS OFFICE- FT WAYNE-IND.

APPROVED.

CITY ENGINEER

RES. №
DATE

SCALE HOR. 1" =
VERT. 1" =

DRAWN BY _____
CHECKED _____

PLAN & PROFILE OF WESSBACH AVE
FLYING R. Location.

Entry Relocation

File

Vacation of the first alley west
Spy Run Ave from Musbarn
to the first alley south of Musbarn.

Harold Kelsey petitioned
the above vacation.

The area west of the alley belongs
to the city and is the Spy Run
Creek Bank.

~~If the dike were here to be~~
If the dike has to be raised
the city would have to acquire
property in order to do so.

J/LH.

No action taken

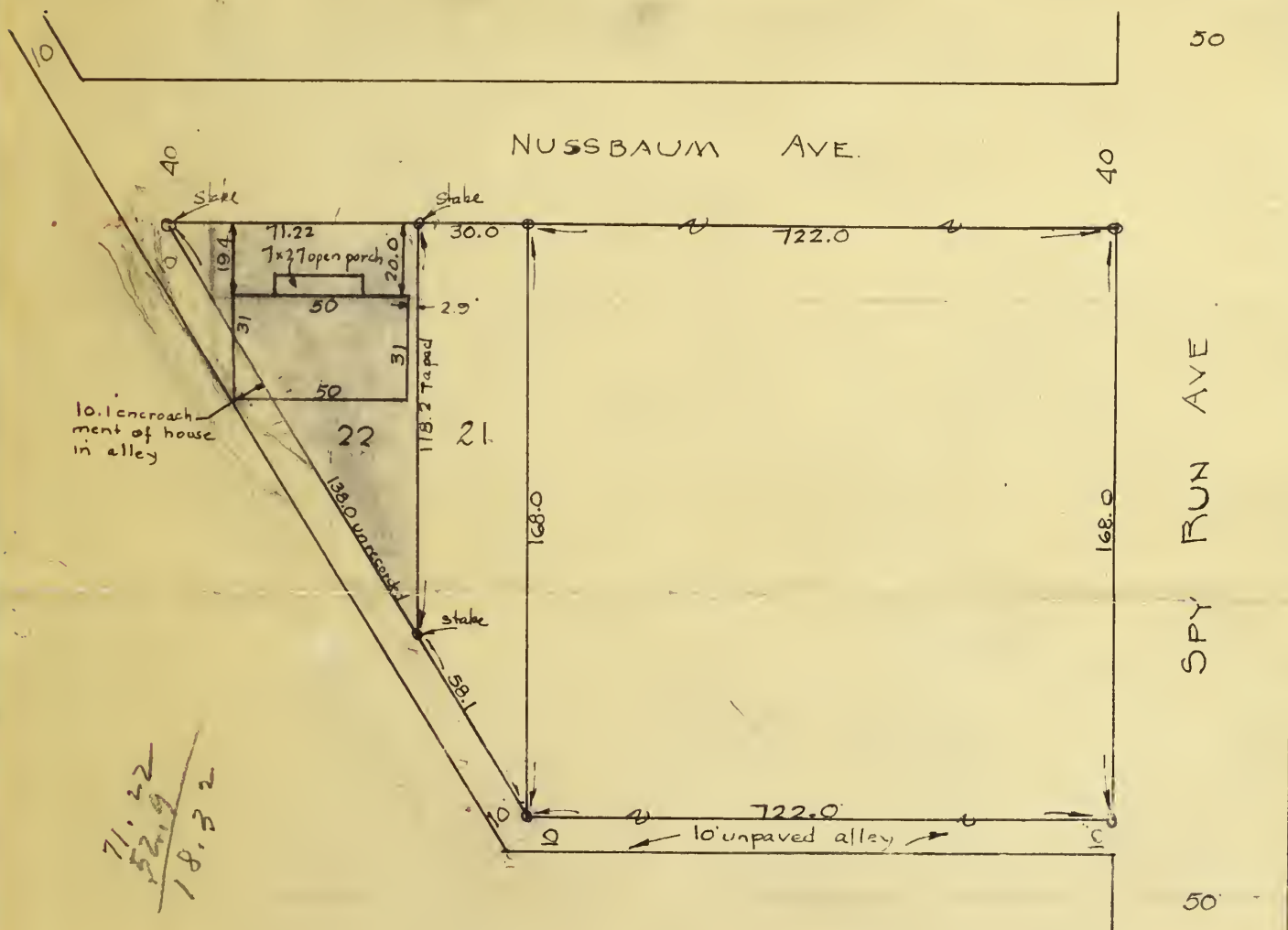
Feb. 4 1957

from the desk of

J. L. HALLETT

Registered in Indiana
No. 3761

DESCRIPTION OF PROPERTY Lot No. 22 in Nusstaum's amended addition to the city of
Fort Wayne, Indiana



For.....Harold Kelsey

IN WITNESS WHEREOF, I place my hand and
seal, this 12 day of November, 1956



REAL ESTATE & INSURANCE

Harold L. Kelsey, Realtor

PHONES A-55573 & E-2284
1511 OAKLAND STREET
FORT WAYNE 7, INDIANA

December 12th

1

9

5

6

Board of Public Works
Att: J. L. Hallett, Sec'y
City Hall
Fort Wayne 2, Ind

Re: Your letter of Nov. 27, '56
2nd alley West of Spy Run
& south of Nussbaum Ave's.

Dear Sir:

The Assessor's Office by Mr. Walter Stanford report that the land west of the above alley is owned by the City of Fort Wayne.

This was obtained by Deed as shown in Deed Record 92, page 387, 7/31/1883 from Mathias Mettler as follows:

71.22
52.9
18.32

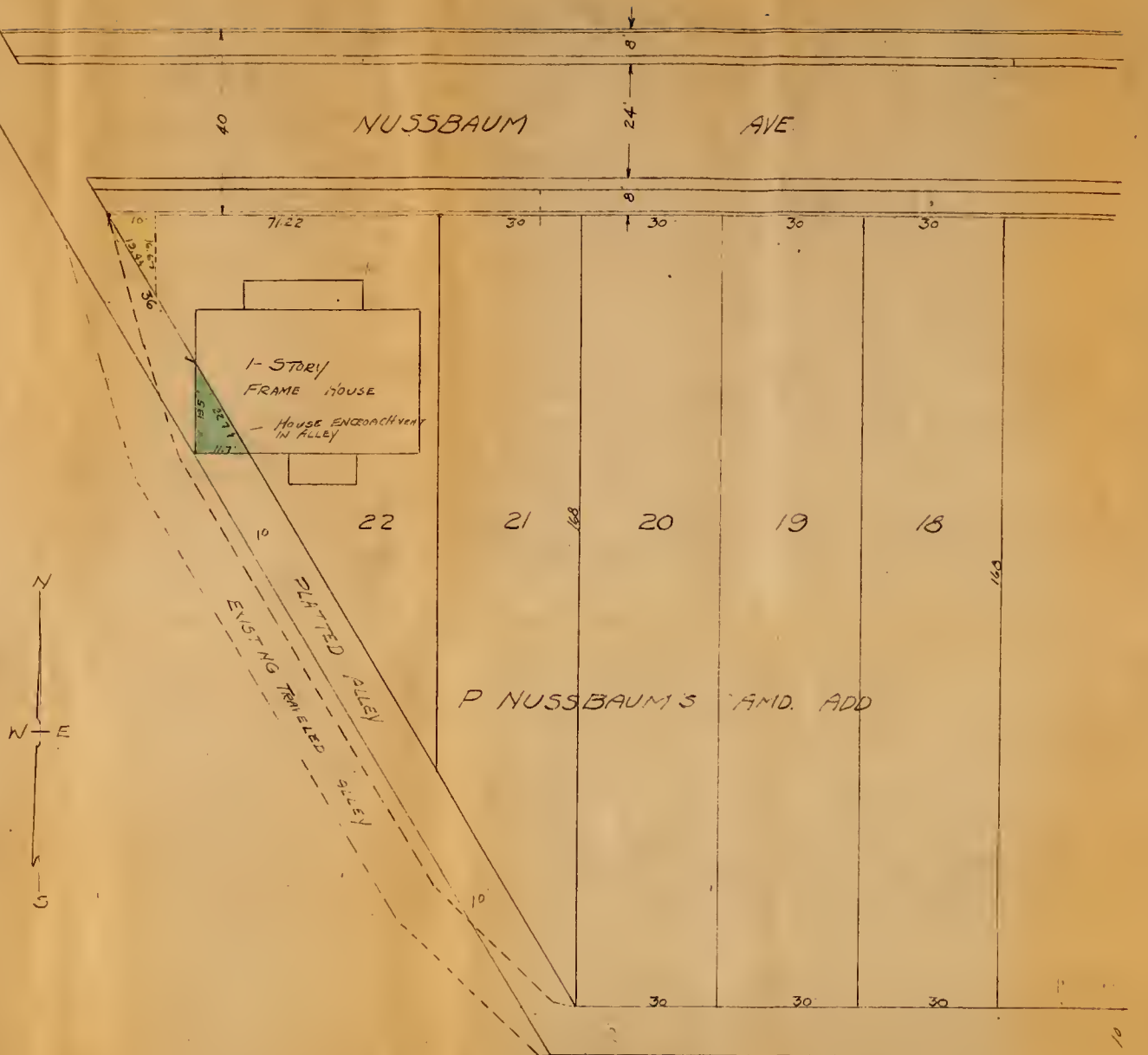
'Beginning on the south line of Emily Street (now Nussbaum), 47' W. of the E. line extended of Lot 16 H. Rudisill's Sub., thence south $31\frac{1}{2}$ deg, east 3.7 Chains to north line of City property, north 72 deg., ~~west~~ west 3.15 Chains north 2 deg. 45' west 1.48 chains to south line of Emily Street, east on south line of Emily Street to place of beginning, containing .412 acres.

The underscored east 3.7 Chains to north line is the west line of the above alley. Also the attached sketch shows the part of N. E. Plat Book, page 44 effected by above correction.

Sincerely

Harold L. Kelsey
Harold L. Kelsey

CC: R. Y. Adams-lextra
" : David R. Heaton, Lawyer
1525 Lincoln Tower



OFFICE OF CITY ENGINEER DEPARTMENT OF STREETS 425 S. CALHOUN STREET		FORT WAYNE, INDIANA	
ALLEY ALONG WEST SIDE OF LOTS 21 AND 22 OF P. NUSSEBAUM'S 4MD. ADD			
DESIGNED BY	SCALE 1" = 20'	DATE	W.O. #
DRAWN BY		SHEET	OF
CHECKED BY		DRAWING NO.	
APPROVED BY			
FINAL APPRVL. EDWARD GREEN - CITY AND ADMINISTRATIVE ENGINEER			

Improvement Resolution No. 969-1958 For Improving the opening of a triangular cut-off to be used
for alley purposes from Lot No. 22, P. Nussbaum's Amended Addition.

	OWNER'S NAME	ADDRESS	R. P. O.	NUMBER OF			DESCRIPTION
				LOT	BLOCK	O. L.	
1	CITY OF FORT WAYNE SCHOTT, ARTHUR E. & PHYLLIS L. SCRIBNER, DONALD L. & MARY I.			22			DIKE PROPERTY
2				21			P. NUSSBAUMS Amd. Add.
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